

EXHIBIT “A”

1 Wider

2 A. Nope, it's inconsistent with the deed.
3 It has two addresses on it. It's says return to 324
4 and at the top says 312.

5 Q. Was 324 your address in April of 2005?

6 A. No, it's 312.

7 Q. If you will now look at pages 1 through 4
8 of Exhibit 47. It's appears to be a Deed between
9 the Sacaro Trust and John Hatilofsky, Junior dated
10 April 29, 2005 for stated consideration of
11 \$750,000.00. Do you see that?

12 A. Yes. What's your point?

13 Q. I haven't asked you a question yet so?

14 A. Okay.

15 MR. ZICCARDI: What was the amount of the
16 transfer? The last one?

17 MR. BODZIN: \$750,000.00.

18 MR. ZICCARDI: Thanks.

19 Q. Going back to the Deed between yourself
20 and the Sacaro Trust on April 29, 2005. What was
21 the purpose of that transaction?

22 A. That's confidential. You know the laws
23 of Trusts.

24 Q. It's not confidential?

25 A. Yes, it is.

1 Wider

2 Q. What was the purpose of that transaction?

3 A. None of your business. That's the law.

4 Q. What is the Sacaro Trust?

5 A. None of your business. Not even a Judge
6 could get me to enforce that?

7 Q. I see. So you refuse to answer that
8 question.

9 A. You'll have to speak to the Judge.

10 Q. Are you refusing to answer that question,
11 sir?

12 A. Yes, I am.

13 Q. The other Deed dated April 29, 2005
14 between the Sacaro Trust and John Hatilofsky,
15 Junior., that's signed by John Petinton, Trustee of
16 the Sacaro Trust?

17 A. So?

18 Q. Do you know how John Petinton became the
19 Trustee of the Sacaro Trust?

20 A. He is a lawyer. He can do whatever the
21 fuck he wants.

22 Q. I'm asking you a question.

23 A. You don't like it -- you don't like my
24 answer -- that is my answer for the record.

25 Q. My question is --

1 Wider

2 A. I've answered it.

3 Q. Do you know how Mr. Petinton came to be
4 the Trustee of the Sacaro Trust?

5 A. Isn't the law wonderful?

6 Q. Can you answer my question?

7 A. That's my answer.

8 Q. Sir, I'll ask you again. Do you know how
9 Mr. Petinton became the Trustee of the Sacaro Trust?

10 A. I can't recall.

11 Q. Did Mr. Petinton represent, to your
12 knowledge, the Sacaro's as either buyers or sellers
13 of 1004 North Broadway?

14 A. Excuse me?

15 Q. To your knowledge, did Mr. Petinton as a
16 lawyer represent the Sacaro's as either borrowers or
17 sellers of the property at 1004 North Broadway?

18 A. I don't know -- couldn't recall -- ask
19 John. You will see him tomorrow.

20 Q. Did you ever reside at 1004 Broadway?

21 A. Can't recall.

22 Q. You don't know where you lived?

23 A. No, I don't.

24 Q. You don't know where you lived?

25 A. According to you, I've got psychiatric

1 Wider

2 issue. So I can't recall. You remember that.

3 Q. Sir, this is November of 2007?

4 A. That's right.

5 Q. You don't recall where you lived between
6 2005 and 2006?

7 A. Well, according to you I've got
8 psychiatric issues since the last deposition. No,
9 I.

10 Q. So you don't recall where you've lived.
11 Do you recall ever owning 1004 North Broadway as an
12 investment property?

13 A. I own thousands of properties.

14 Q. I'm asking you specifically about 1004?

15 A. And I just answered your question. I
16 don't recall owning anything. I have thousands. I
17 don't keep track of things like this.

18 Q. Do you know what the business purpose was
19 of the Sacaro Trust conveying Title to John
20 Hatilofsky, Junior., on April 29, 2005 for
21 \$750,000.00?

22 A. None of your business. It's a business
23 decision.

24 Q. You're refusing to answer that question?

25 A. It's a business decision. That is my

1 Wider

2 answer.

3 Q. Sir --

4 A. I've answered your question. It's a
5 business decision.

6 Q. You're refusing to answer?

7 A. That is a business decision. I answered
8 it.

9 Q. What is the business reason for that?

10 A. None of your fucking business. It's a
11 business decision. It has nothing to do with this
12 case.

13 Q. Take a look at Exhibit 48 now.

14 A. Don't need to.

15 Q. If you will go to the third -- starting
16 with the fifth page of that document --

17 A. And?

18 Q. Through the eighth page of that document.
19 You will see that on December 6, 2005 that --

20 A. What page?

21 Q. Starting with page 5.

22 A. Okay.

23 Q. You will see that on December 6, 2005
24 that Title was conveyed --

25 A. Wait, I'm missing a page. This is my

1 Wider

2 page 6.

3 Q. Right. We'll go to the next page.

4 A. Okay.

5 Q. You see on December 6, 2005 Title was
6 conveyed from John Hatilofsky, Junior to the
7 Hatilofsky Trust?

8 A. Right.

9 Q. And, I assume, you're not going to tell
10 me what you believe to be the purpose of that
11 transaction?

12 A. This is all law. You're asking the wrong
13 person. I don't practice law.

14 Q. Well, I won't ask you the same question
15 over again because I know what your responses will
16 be but I want to ask you this question: As of
17 December 6, 2005, did you have a direct or indirect
18 financial interest in 1004 North Broadway?

19 A. I can't recall.

20 Q. If the Deed is between John Hatilofsky,
21 Junior., and the Hatilofsky Trust, you would know
22 whether or not you had any type of business
23 relationship with either John Hatilofsky, Junior or
24 the Hatilofsky Trust? You would know that wouldn't
25 you?

1 Wider

2 A. No, I wouldn't. I own thousands of
3 properties.

4 Q. Sir, if you take a look at the last page
5 of Exhibit 48 you see that there is a direction that
6 the Deed be returned by mail to GCF Development?

7 A. And?

8 Q. Care of 400 Garden City Plaza, Suite 420,
9 Garden City, New York?

10 A. Your question is.

11 Q. That's the office of HTFC?

12 A. Yes. Also, Groove Radio also.

13 Q. Do you know why there would have been a
14 direction that the Deed between Mr. Hatilofsky and
15 the Hatilofsky Trust should be returned to GCF
16 Development?

17 A. Absolutely.

18 Q. What's the reason?

19 A. It's a business decision.

20 Q. So you won't tell me why?

21 A. None of your fucking business.

22 Q. You can't tell me the role of GCF
23 Development has in this transaction?

24 A. No, absolutely not. Isn't the law
25 wonderful, Bob.

1 Wider

2 Q. If you know, take a look at pages 1
3 through 4 of Exhibit 48?

4 A. Pardon me?

5 MR. VOULO: Pages 1 through 4. These
6 four. Front four.

7 THE WITNESS: Front four?

8 MR. VOULO: Yes.

9 Q. You will see on December 29, 2005 the
10 Hatilofsky Trust conveyed 1004 North Broadway to
11 William Fitzgerald and Robin Fitzgerald for
12 \$805,000.00?

13 A. Okay.

14 Q. Do you know who -- and, again, you'll see
15 on the fourth page that there is a direction that
16 the Deed be returned by mail to GCF Development, do
17 you know why?

18 A. Yes, we're testing Carlton Cheats
19 program.

20 Q. I'm sorry?

21 A. I am testing Carlton Cheats program on
22 TV.

23 Q. Who is Carlton Cheats program?

24 A. You don't watch Carlton Cheats on TV? Buy
25 a house. Rehab a house. I suggest you watch TV. I

1 Wider

2 answered your question.

3 Q. Why is the direction this Deed be
4 returned to GCF Development testing Carlton Cheats
5 program?

6 A. Go watch the program and find out. I'm
7 not here to educate you, Bob.

8 Q. You don't have an answer to that either?

9 A. I just answered you. You don't like the
10 answer. You might not be able to manipulate me to
11 get an answer but when I tell that's my answer you
12 fucking accept it or don't.

13 Q. You purchased the property on April 29,
14 2005 for \$475,000.00 and between April 29th of 2005
15 and December 29, 2005 it was transferred four times
16 resulting, eventually, in a sale for \$805,000.00 to
17 William and Robin Fitzgerald.

18 My question is, sir, did you realize any
19 of the benefit of the difference between \$475,000.00
20 and \$805,000.00?

21 A. Sure.

22 Q. How much? All of it?

23 A. Did I realize the benefit? It went to
24 the borrower.

25 Q. You bought it for \$475,00.00 on April 29,

1 Wider

2 I buy a property for cash I can anything I fucking
3 what with my money. I can transfer the Deed 80,000
4 fucking times whether you like it or not and I don't
5 have to answer you why I would buy a property and,
6 then, bring the value of the property up in a
7 declining market where your company is fucking
8 falling in it.

9 Q. Did you bring the value of this property
10 up over \$330,000.00 between April 29, 2005 and
11 December 29, 2005?

12 A. More than that because the property is a
13 legal two-family. Your reviewer appraised it as a
14 one-family and my appraiser did it as a one-family.
15 So if you go out and try to find a comparable, you
16 won't be able to find it, it's priceless.

17 Q. So I thought you weren't familiar with
18 this property?

19 A. It took sometime. You know something, I
20 can recall now.

21 Q. Now, you can recall?

22 A. Now, I can recall.

23 Q. Since now you can recall this property,
24 tell me what you did between April 29, 2005 and
25 December 29th of 2005 to enhance the value of this

1 Wider

2 property?

3 A. None of your fucking business. None of
4 your fucking business. I'll say it again.

5 Q. Did you do any renovations to the
6 property?

7 A. Go take a look at it.

8 Q. I'm asking you.

9 A. Go take a look at it. You're a lawyer.
10 You go take a look at it.

11 Q. Did you do any renovations --

12 A. You go take a look at the property.

13 Q. Did GCF Development do any work on the
14 property?

15 A. Go take a look at it. GCF Development
16 isn't even in the suit so I'm not going to answer
17 the question.

18 Q. So you're not going to tell me what, if
19 anything, you did to enhance the value of the
20 property during the time period?

21 A. No, I'm not.

22 Q. Did you sell this property through a
23 realtor?

24 A. No. As a matter of fact, it was actually
25 referred by a friend. Not a realtor.

1 Wider
2 front of you for this property?

3 A. Yes.

4 Q. What kind of work did the Fitzgerald's
5 do?

6 A. I don't know.

7 Q. Take a look. You underwrote the loan?

8 A. What page?

9 Q. It's your loan file. You should be able
10 to find it.

11 A. You want something. You get it yourself.

12 Q. Sir, I suggest you take that back right
13 now.

14 A. Get it yourself.

15 Q. I suggest you take it back yourself.

16 A. I suggest you shut the fuck up and get it
17 yourself. You want something. You want to look at
18 it.

19 Q. According to your loan file, what does
20 Mr. and Mrs. Fitzgerald do?

21 A. Find it.

22 Q. This is your loan file --

23 A. We're going to go round in circles, my
24 friend.

25 Q. -- this is your loan file, what do

1 Wider

2 Mr. and Mrs. Fitzgerald do for a living?

3 A. I don't know. Open it up and find it.

4 Q. Look at your loan file and tell me.

5 A. Open it up and do it. I'm not your
6 fucking bitch.

7 Q. Take a look at your loan application?

8 A. Do it yourself. Do it yourself. You
9 want to do this in front of a Judge. Would you
10 prefer to this in front of a Judge? Then, shut the
11 fuck up.

12 Q. Sir, take a look --

13 A. I'm taking a break. Fuck him. You open
14 up the document. You want me to look at something,
15 you get the document out. Earn your fucking money
16 asshole. Isn't the law wonderful. Better get used
17 to it. You'll retire when I'm done.

18 THE VIDEOGRAPHER: The time is 2:11 p.m.
19 and we're going off the record.

20 (Short recess).

21 THE VIDEOGRAPHER: The time is 2:17 p.m.
22 we're back on the record.

23 Q. What underwrote this loan for HTFC?

24 A. You have it in your hands. I don't know.

25 Q. I'm asking you to take a look at the file

1 Wider

2 and tell me who underwrote this loan?

3 A. It's right there in your hands. Show it
4 to me.

5 Q. I'm asking you to look at the file.

6 A. I'm not looking at the file. You have
7 the document that's in your hand right now. I'm not
8 going fishing through a file. We'll be here all
9 day, Bob.

10 Q. It's your file.

11 A. I'm not looking through the file. Open
12 it up and show it to me.

13 Q. If you don't want to answer tell me and
14 we'll move on to something else.

15 A. Okay, we'll move on to something else.

16 Q. What did Mr. and Mrs. Fitzgerald do for a
17 living at the time this loan was --

18 A. You tell me, Bob; it's in your hands.

19 Q. I'm asking you. Tell me based upon
20 what's in your file.

21 A. I don't know. Open it up and show me.

22 MR. ZICCARDI: Aaron, look at document
23 291.

24 THE WITNESS: If Bob would give me the
25 number I don't wanted to go fishing through it.

1 Wider

2 Q. You listed her income as being base
3 income \$9,000.00 a month?

4 A. Stated income.

5 Q. \$9,000.00 a month?

6 A. Stated income, that's correct.

7 Q. What does that come out to a year? A
8 \$108,000.00 a year?

9 A. Yup.

10 Q. Did that seem to be somewhat high to you
11 for a legal secretary in 2006?

12 MR. ZICCARDI: Objection; calls for
13 speculation. No foundation, but you can
14 answer.

15 A. I refuse to answer.

16 Q. Why do you refuse to answer?

17 A. My attorney said no.

18 Q. Your attorney didn't tell you you can't
19 answer.

20 A. My attorney just said no. Shut up and
21 keep moving.

22 Q. Excuse me?

23 A. Shut up and keep moving.

24 MR. ZICCARDI: You can answer if you
25 know.

1 Wider

2 THE WITNESS: I'm not answering.

3 MR. ZICCARDI: If you know, you can
4 answer.

5 A. No, it's not high. It's actually very,
6 very low. My secretary in here gets paid
7 \$175,000.00 a year. Salary.com -- we use Salary.com
8 for stated income. Limo drivers make tips.

9 Q. I'm not asking about limo drivers.

10 A. For Salary.com it's about average. She
11 is a legal secretary?

12 Q. The average salary for a legal secretary
13 in New York was \$108,000.00 a year?

14 MR. ZICCARDI: Same objection.

15 A. About \$90,000.00 to \$120,000 is about
16 fair.

17 Q. For a limo driver \$7500.00 a month?

18 A. That's understated. Guys make \$5600.00
19 night in tips and these driver's only work one or
20 two days a week.

21 Q. This gentleman had been employed as a
22 limo driver for how long?

23 A. One month. So that's actually 17
24 years --

25 Q. 17 years he's been employed as a truck

1 Wider

2 for \$3.00, that's not inflation. That's not
3 powerful inflation. Just because I go out and buy
4 this paperclip for 50 cents and I sell it on the
5 retail market for a dollar doesn't mean I
6 artificially inflated. Everything is artificially
7 inflated.

8 Q. Now, you've already refused to answer the
9 questions about the purpose for the four transfers
10 of Title between April 2005 and December 2005. I'm
11 not going to ask you about that --

12 A. I'm not refusing. It's an inside trade
13 secret and it's related to law and if you can't see
14 it I'm not here to educate you. It's a million
15 dollars. A million dollars. That's my response.

16 Q. Please allow me to finish my question.
17 My question is there are two different Trusts
18 involved in these four transfers.

19 One is the John Hatilofsky Trust and the
20 other is the Sacaro Trust and in both Trusts
21 Mr. John Petinton is the Trustee of both Trusts.
22 Based upon that information, can you tell me that
23 you were not involved in directing this
24 transactions?

25 A. I cannot recall. I'm involved with

1 Wider
2 thousands of transactions.

3 Q. Is it just a coincidence Mr. Petinton was
4 involved as the Trustee in connection with both of
5 those Trusts?

6 A. It's not a coincidence that I'm a genius
7 at what I do. I obey the law and live the law. You
8 practice the law. Sir, I'm not going to be
9 interrupted while I am speaking. I live the law.
10 You serve the law. You practice the law. I abide
11 by the law and enforce the law to the fullest extent
12 the law allows.

13 The only difference between you and I is
14 I have a pair of balls and you don't. The only
15 difference between the average person is I have a
16 pair of balls and they don't. You think it's funny.
17 I'm not the one chasing \$15 million dollars ass
18 wipe.

19 Q. Sir, as a self-proclaimed genius that you
20 are, is it correct that you directed Mr.
21 Petinton to form these Trusts and, then, directed
22 the transfer of Title that has been described in the
23 Deeds that you just described?

24 A. Do you have a habit to try and lead
25 someone who is not a witness before we even walk

1 Wider

2 into a courtroom?

3 Q. Sir, answer my question.

4 A. I just did.

5 MR. BODZIN: Can you read back my
6 question.

7 I'll ask it again.

8 Q. Did you direct Mr. Petinton to create the
9 John Hatilofsky Trust and the Sacaro Trust and to
10 document the transactions that are described in the
11 Title reports marked as Exhibit 47 and Exhibit 48?

12 A. Are you manufacturing a question or are
13 you asking a question? What is it?

14 Q. Do you want to answer the question?

15 A. I just did. You will have to be more
16 specific, Bob. I can't hear you.

17 Q. Did you direct Mr. Petinton to create the
18 Trust and draft the Deeds reflected in Exhibit 47
19 and 48?

20 A. I can't recall.

21 Q. If Mr. Petinton were to testify that was
22 true, would you have any basis for denying it?

23 A. Mr. Petinton won't testify because he is
24 the Trustee and he cannot. He cannot ever divulge
25 who the beneficiary is.

1 Wider

2 Q. So you want to hide behind some claimed
3 confidentiality you think there is because
4 Mr. Petinton is the Trustee and you're the
5 beneficiary?

6 A. You'll find out.

7 Q. Is that what you're trying to do?

8 A. No.

9 Q. Who are the beneficiaries of these
10 Trusts?

11 MR. VOULO: Objection; no foundation.

12 A. My lawyer.

13 Q. Who are the beneficiaries?

14 A. I refuse to answer you.

15 Q. Why?

16 A. My attorney said no.

17 Q. Who are the beneficiaries?

18 A. None of your fucking business.

19 Q. Are you the beneficiary of all of these
20 Trusts?

21 A. I can't recall.

22 Q. Well, sir, you would know that, wouldn't
23 you?

24 A. Doesn't make a difference.

25 Q. Sir, how did you get the money that

1 Wider
2 accounted for the appreciation in 1004 North
3 Broadway because of your great genius?

4 A. That's right.

5 Q. How did you get the money?

6 A. Very simple. I own a radio station. 40
7 million listeners.

8 Q. How did you get the money between the
9 price you paid of \$475,000.00 and the price that it
10 was sold to the Fitzgerald's of \$805,000.00? Didn't
11 you get the money out through those Trusts?

12 A. No. Isn't the law wonderful, Bob?

13 (Exhibit 49, Document Law Office of Eric
14 S. Finger, marked for identification, as of
15 this date.)

16 Q. You know Mr. Finger?

17 A. No.

18 Q. You don't know him?

19 A. Mr. Finger or Eric Finger?

20 Q. Are you trying to be cute?

21 A. Yes, I am cute. Be specific, Bob. From
22 now on be specific and detailed.

23 Q. Do you know a lawyer by the name of Eric
24 S. Finger?

25 A. Much better. Yes, I do.

1 Wider

2 Q. Did Eric S. Finger act as the closing
3 agent on the New York loans that are the subject of
4 this lawsuit?

5 A. Possibly.

6 Q. Well, I will represent to you he did and
7 that I served Mr. Finger with a Subpoena for all of
8 the records of the closings on those loans,
9 including the records of payment and disbursements?

10 A. And you're shooting blanks.

11 Q. Are you very pleased with yourself, sir?

12 A. Yes, I am.

13 Q. Because your trying to perpetrate a fraud
14 and hide it?

15 A. Go fuck yourself, Bob. Now, you're going
16 to have to wait.

17 Q. Sir, if you keep walking out?

18 A. Shut the fuck up.

19 Q. Here we ago again?

20 A. I have a business to run.

21 Q. You don't have a business to run. You
22 have a deposition.

23 A. Shut the fuck up. Don't tell me what to
24 do. You sit there. You're on the payroll. You can
25 sit there and juice your client, you're not juicing

1 Wider

2 me.

3 Q. This happens one more time, we're done.

4 A. Go ahead. Go to a fucking Judge. Shut
5 the fuck up.

6 Q. I will go to the judge. Let's stay on
7 the record. You know, this is not fair to anybody.
8 This is not fair to anybody. You are rude.

9 A. Shut up.

10 Q. You are disrespectful?

11 A. Shut the fuck up.

12 Q. There is a woman in this room. You're
13 totally inappropriate. It's unfair to the Court
14 Reporter.

15 A. Are you retained counsel? Then, shut the
16 fuck up.

17 Q. Now, I'm a human being --

18 A. Then, shut the fuck up.

19 Q. And you have a hard time comprehending.
20 We're going to adjourn this deposition if this
21 happens again because you are offending every single
22 person.

23 A. Don't speak for anybody in here except
24 yourself fuck face.

25 Q. I'm speaking for myself and I'm speaking

1 Wider

2 for the Court Reporter.

3 A. If she had a problem with me she would
4 say something. She knows it's directed towards her.
5 It's directed to you because you're a piece of shit
6 and a piece of garbage and I'm the only person in
7 your life that is fucking up your world and I enjoy
8 it. I enjoy it and when you sit there and say I'm
9 perpetrating a fraud I'm just better at the law than
10 you are and you can't get in the fucking door and
11 it's pissing you off. Keep trying.

12 Q. Are you done?

13 A. No, I'm not. I'm going to keep going.
14 I'll have you flying in and out of New York City
15 every single month and this will go on for years.
16 And, by the way, along the way GMAC will be bankrupt
17 along the way and I will laugh at you.

18 Q. Are you done?

19 A. No I'm not.

20 Q. What else do you have to say?

21 MR. VOULO: Let's answer the questions.

22 THE WITNESS: Okay.

23 Q. You have in front of you what has been
24 marked as Exhibit 49 which is a letter Mr. Finger
25 sent to me on November 2nd 2007 in response to the

1 Wider
2 to any buyers and borrowers involved in your loan
3 transaction?

4 A. Excuse me?

5 Q. Have you referred Mr. Petinton as a
6 lawyer for the borrowers in any of your loan
7 transactions?

8 A. Mr. Petinton doesn't practice law.

9 Q. My question is --

10 A. I just told you he does not practice law.

11 Q. So your answer is no?

12 A. Correct.

13 Q. Now, on any of the properties that are
14 the subject of this lawsuit where you personally
15 were either the borrower or at one point in time
16 owned the property involved, did Mr. Petinton
17 represent you as a lawyer in any of those
18 transactions?

19 A. Can't recall. Might have personally as
20 Aaron Wider. Not as the bank -- possibly.

21 Q. If he did, did you compensate for that
22 representation?

23 A. No.

24 Q. Have you spoken to Mr. Petinton about the
25 Subpoena he received for documents?

1 Wider

2 A. He mentioned to me. He laughed at you.

3 Q. What did he say?

4 A. He thought you were a joke.

5 Q. What else did he say?

6 A. That you're a joke.

7 Q. Did he say he had documents responsive to
8 the Subpoena?

9 A. He had no documents. He doesn't discuss
10 things with me. He just said you're a joke.

11 Q. That's what he said?

12 A. Yes.

13 Q. So he shares your opinion on these things
14 as well?

15 A. Yes, you're a joke.

16 Q. Did he ask you whether you had any of the
17 documents that were sought in the Subpoena?

18 A. Why would he do that?

19 Q. I'm just asking if he asked you that.

20 A. Why would he do that?

21 Q. I'm asking you whether he asked you that
22 question?

23 A. Why would he do that?

24 Q. I'm asking you if he did that.

25 A. Why would he do that?

1 Wider

2 Q. Sir --

3 MR. ZICCARDI: Just yes or no.

4 Q. Yes or no, did he ask you if you had any
5 documents?

6 A. Shut the fuck up. Don't raise your voice
7 to me.

8 MR. BODZIN: We're adjourning this
9 deposition.

10 THE WITNESS: Good.

11 MR. BODZIN: We're adjourning this
12 deposition. We're going back to the Judge.
13 We're going to let the Judge decide if this was
14 appropriate way for anybody to behave at a
15 deposition. I'm not going to continue.

16 THE WITNESS: You don't point your
17 fucking fingers at me. You don't raise your
18 fucking voice at me. And I'm going to spit
19 right back at you.

20 MR. BODZIN: I'm not going to continue to
21 subject to this harassment, this rudeness
22 absolutely inappropriate conduct and I'm going
23 to adjourn this deposition right now.

24 THE WITNESS: Good.

25 MR. BODZIN: See you tomorrow.